

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
APR 18 AM 11:57
Magistrate Docket No.

'08 MJ 1200

Plaintiff,

by: J

v.

Elias BALDERAS-Vidrios,

COMPLAINT FOR VIOLATION OF:DEPUTY
Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

Defendant

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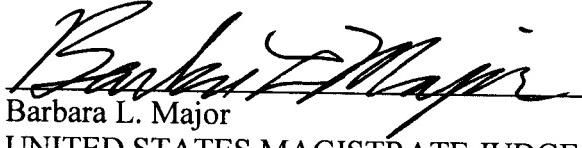
The undersigned complainant, being duly sworn, states:

On or about April 17, 2008, within the Southern District of California, defendant, Elias BALDERAS-Vidrios, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 18th DAY OF APRIL 2008.


Barbara L. Major
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Elias BALDERAS-Vidrios

PROBABLE CAUSE STATEMENT

Agents assigned to the San Diego Sector, Smuggling Interdiction Group, Criminal Alien Squad (SIG/CAS) utilize various sources to locate and arrest previously deported criminal aliens who have returned to the United States in violation of the Immigration and Nationality Act.

Through record checks, SIG Agents discovered that Elias BALDERAS-Vidrios, a previously deported criminal alien, was possibly residing in San Ysidro, California.

On April 17, 2008, SIG/CAS Agents were conducting surveillance in the 200 block of West Calle Primera in San Ysidro, California. Agents B. Soto and A. Pacheco observed a man matching the physical description and likeness of the defendant **Elias BALDERAS-Vidrios** exiting a residence. Agent Soto and Pacheco approached the individual and identified themselves as United States Border Patrol Agents. Agents questioned the subject as to his identity and immigration status.

The defendant stated that he is in fact Elias BALDERAS-Vidrios. Agents questioned the defendant as to his citizenship. The defendant stated that he was born in Tijuana, Mexico. Agents asked the defendant if he had any immigration documents that would allow him to enter or remain in the United States legally. The defendant stated that he had been deported by an Immigration Judge and lost his documents. At approximately 5:04 P.M., the defendant was arrested and transported to the Chula Vista Border Patrol Station.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on September 28, 2005**, through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.